

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 152, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PINEAPPLE AND LEMON EXTRACTS.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on June 8, 1909, in the District Court of the United States for the Southern Division of the Southern District of Alabama, in a prosecution by the United States against the Mobile Drug Company, a corporation of Mobile, Alabama, for two violations of section 2 of the aforesaid act in shipping and delivering for shipment from Alabama to Mississippi adulterated and misbranded pineapple and lemon extracts, the said Mobile Drug Company entered a plea of guilty and the court imposed upon it a fine of \$25.

The facts in the cases were as follows:

On February 22, 1908, and March 13, 1908, an inspector of the Department of Agriculture purchased from Mrs. Sophia Fields, Escatawpa, Mississippi, and R. W. Fagan & Company, Waynesboro, Mississippi, respectively, samples (I. S. Nos. 5051 and 2126-a) of food products labeled, respectively: "Pure Concentrated Extract of Pineapple for flavoring Ice Cream, Custards, Jellies, Pastry, etc. Mobile Drug Co., Mobile, Ala.," and "Concentrated Extract of Lemon. Guaranteed ----- June 30, 1906. Serial No. 6901. Mobile Drug Co., Mobile, Ala." The samples were analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

I. S. No. 5051:

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| Specific gravity----- | 0.9447 |
| Alcohol by volume (per cent)----- | 45.40 |
| Esters as ethyl butyrate (gms. per 100 cc)----- | 0.696 |
| Coloring matter----- | Tumeric. |

I. S. No. 2126-a:

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| Specific gravity (15.5° C.)----- | .8748 |
| Alcohol by volume (per cent)----- | 73.28 |
| Solids (grs. per 100 cc)----- | 0.21 |
| Lemon oil by polarization (per cent)----- | 3.22 |
| Lemon oil by precipitation (per cent)----- | 3.30 |
| Color ----- | Tumeric. |

A flavoring extract, as recognized by reliable manufacturers and dealers, is a solution in ethyl alcohol of proper strength of the sapid

and odorous principles derived from an aromatic plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation; and lemon extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five per cent by volume of oil of lemon. The analysis of sample I. S. No. 5051 disclosed practically the total absence of the sapid and odorous principles of the pineapple, hence the article was adulterated within the meaning of section 7 of the act in that an imitation extract, artificially colored in a manner whereby its inferiority was concealed, was substituted wholly for the pineapple extract which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Pure Concentrated Extract of Pineapple," which statement was false, misleading, and deceptive because it was not an extract of pineapple, but merely an imitation extract. The analysis of sample I. S. No. 2126-a disclosed the fact that it contained only 3.3 per cent of oil of lemon and was artificially colored, hence the article was adulterated within the meaning of section 7 of the act in that an inferior extract, artificially colored in a manner whereby its inferiority was concealed, was substituted wholly for the genuine product which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Concentrated Extract of Lemon," which statement was false, misleading, and deceptive because it was not concentrated extract of lemon, but an inferior grade lemon extract, artificially colored in a manner whereby its inferiority was concealed.

It appearing from the aforesaid analyses that the articles were adulterated and misbranded, the Secretary of Agriculture gave notice to Mrs. Sophia Fields and R. W. Fagan & Company, the dealers from whom the samples were purchased, and also to the Mobile Drug Company, the manufacturer and shipper, and gave them an opportunity to be heard. The Mobile Drug Company being the party solely responsible for the adulteration and misbranding of the articles and failing to show any fault or error in the results of the aforesaid analyses and it being determined that the articles were adulterated and misbranded, on January 6, 1909, and February 27, 1909, respectively, the said Secretary reported the facts and evidence (F. & D. Nos. 306 and 486) to the Attorney General by whom they were referred to the United States Attorney for the Southern District of Alabama who filed an information against the Mobile Drug Company with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.